

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

_____)	
IN RE PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESALE PRICE)	MDL NO. 1456
LITIGATION)	Civil Action No. 01-12257-PBS
_____)	
)	Hon. Patti B. Saris
THIS DOCUMENT RELATES TO)	
01-CV-12257-PBS AND 01-CV-339)	Chief Mag. Judge Marianne B. Bowler
_____)	

**JOINT MOTION OF PLAINTIFFS AND DEFENDANTS FOR ENTRY OF CASE
MANAGEMENT ORDER 19 RELATING TO NEW PURPORTED CLASS
REPRESENTATIVES**

Plaintiffs and Defendants to the Third Amended Master Consolidated Class

Complaint hereby move jointly for entry of Case Management Order 19, which pertains to the status of new entities plaintiffs have sought to name as purported class representatives and sets forth a schedule for discovery from those entities. The background regarding the addition of these entities to this action is summarized in the preamble to the enclosed proposed Case Management Order 19.

Dated: December 27, 2005

Respectfully submitted,

/s/ Erik Haas

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the Third Amended Master Consolidated
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AVERAGE WHOLESAL PRICE)
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Hon. Patti B. Saris
Chief Mag. Judge Marianne B. Bowler

[PROPOSED] CASE MANAGEMENT ORDER NO. 19

December __, 2005

Saris, U.S.D.J.

WHEREAS, Pirelli Armstrong Tire Corporation Retiree Medical Benefits Trust ("Pirelli") and Sheet Metal Workers National Health Fund ("SMW") were named as plaintiffs in the Third Amended Complaint dated October 17, 2005;

WHEREAS, this Court granted Plaintiffs' Motion to Include Pipefitters Local 537 Trust Funds ("Pipefitters Local") as a plaintiff on December 5, 2005;

WHEREAS, the parties have stipulated, and the Court hereby orders, that Blue Cross/Blue Shield of Massachusetts ("BCBS of MA"), Pirelli and SMW shall also be included as plaintiffs in this litigation;

WHEREAS, Defendants served initial document requests and Rule 30(b)(6) notices on BCBS of MA, Pirelli and SMW on or before December 14, 2005.

The schedule for discovery of Pipefitters Local, Pirelli, SMW and BCBS of MA , is as follows:

1. Pipefitters Local, Pirelli, SMW and BCBS of MA shall produce claims data, provider contracts, electronic fee schedules, and documents showing that they purchased physician-administered drugs based on AWP by December 30, 2005.
2. Pipefitters Local, Pirelli, SMW, and BCBS of MA shall produce witnesses for Rule 30(b)(6) depositions by January 13, 2006.
3. Defendants shall serve any non-party subpoenas relating to Pipefitters Local, Pirelli, SMW and BCBS of MA by January 20, 2006.

4. Document production by Pipefitters Local, Pirelli, SMW and BCBS of MA shall be substantially completed by March 1, 2006.

5. Depositions of Pipefitters Local, Pirelli, SMW and BCBS of MA shall be completed by April 15, 2006. To the extent that any of Pipefitters Local, Pirelli, SMW or BCBS of MA have previously provided testimony on issues related to their adequacy as a class representative in this case, the witness(es) shall not be re-deposed on these issues, except (i) to the extent documents or data relevant to their adequacy as a class representatives were or are produced after the deposition and on or prior to December 30, 2005, (ii) if the parties so agree, or (iii) by order of the Court.

6. All other aspects of the track one schedule shall remain in place.

Dated: December __, 2005

Hon. Patti B. Saris
United States District Judge

CERTIFICATE OF SERVICE

I certify that on December 27, 2005 a true and correct copy of the forgoing JOINT MOTION OF PLAINTIFFS AND DEFENDANTS FOR ENTRY OF CASE MANAGEMENT ORDER 19 RELATING TO NEW PURPORTED CLASS REPRESENTATIVES was served on all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to Verilaw Technologies' successor entity LexisNexis File & Serve for posting and notification to all parties.

/s/ Erik Haas

Erik Haas